

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2404 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SHANTILAL ODHAVJI SHAH

Versus

STATE OF GUJARAT

Appearance:

MR KIRIT I PATEL for Petitioner

MR MUKESH A PATEL for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/09/1999

ORAL JUDGEMENT

1. Learned counsel for the petitioner states (i) that the petitioner is in possession of the disputed land, (ii) that this special civil application arises from the proceedings initiated by the State of Gujarat under section 34 of the Principal Act, and (iii) in view of the Repealed Act, this petition abates.

2. Learned counsel for the respondents, as usual,

contributed in this matter only to make a request for adjournment of the same.

3. In view of the statement made by the counsel for the petitioner coupled with the fact that this petition is of the year 1988 and the Repealed Act was brought into force with effect from March, 1999, I do not find any justification whatsoever in the request made by the counsel for the respondents for adjournment of this matter.

4. In the result, this special civil application abates and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs. However, liberty is granted to the respondents for revival of this special civil application in case of difficulty.

zgs/-